

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CONSTELLATION NEWENERGY, INC., :
 :
 Plaintiff, : Civil Action No. 02-CV-2733 (HB)
 :
 v. :
 :
 POWERWEB TECHNOLOGIES, INC., :
 :
 Defendant. :

**PLAINTIFF, CONSTELLATION NEWENERGY INC.'S MOTION *IN LIMINE*
TO PRECLUDE EXPERT AND OPINION TESTIMONY BY
LOTHAR BUDIKE, JR., AND ANDREW BAKEY**

Plaintiff, Constellation NewEnergy, Inc., respectfully moves to preclude defendant Powerweb Technologies, Inc., from offering expert and opinion testimony at trial by Lothar Budike, Jr., and Andrew Bakey pursuant to Federal Rules of Evidence 701 and 702 for the reasons set forth in the accompanying Memorandum of Law, which is incorporated herein by reference.

For WOLF, BLOCK, SCHORR AND SOLIS-COHEN LLP

s/DL422

David E. Landau, I.D. #43341
Matthew A. White, I.D. #55812
Zachary C. Glaser, I.D. #85979
Jennifer C. O'Neill, I.D. #89755

1650 Arch Street, 22nd floor
Philadelphia, Pennsylvania 19103-2097
(215) 977-2000

*Attorneys for Plaintiff,
Constellation NewEnergy, Inc.*

Dated: July 26, 2004